

## **REMARKS/ARGUMENTS**

Claims 1-30 are pending in the present application. With this amendment, claims 5, 15, and 25 have been canceled; and claims 1-4, 6-14, 16-24, and 26-30 have been amended. Reconsideration of the claims is respectfully requested.

### **I. 35 U.S.C. § 112, Second Paragraph**

The Examiner has rejected claims 1-30 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. Applicants have amended claims 1, 11, and 21. This rejection is believed to be overcome by these amendments to the claims, and should be withdrawn.

### **II. 35 U.S.C. § 102, Anticipation**

The Examiner has rejected claims 1-5, 8-15, 18-25 and 28-30 under 35 U.S.C. § 102(e) as being anticipated by *Clemens et al., Payment Management*, U.S. Patent Application Publication No. US 2002/0111915, published August 15, 2002 (hereinafter referred to as “*Clemens*”). This rejection, as it might be applied to the claims as amended, is respectfully traversed.

Applicants have amended claims 1, 11, and 21. Claim 1 is representative of claims 11 and 21. Claim 1 now recites: A method in a host data processing system for providing electronic business functions for a plurality of business clients, the method comprising: providing, within the host, a first software facility for a first one of the plurality of business clients, the first software facility including first software facility first and second level services; providing, within the host, a second software facility for a second one of the plurality of business clients, the second software facility including second facility first and second level services; said host providing web hosting for said first and second ones of the plurality of business clients using said first software facility first and second level services and said second software facility first and second level services; automatically determining, by the first software facility, that a transaction needs to be executed between the first software facility and the second software facility, the determination being made in response to a request from the first one of the plurality of business clients; said first software facility making decisions on behalf of the first one of the plurality of business clients to execute transactions with the second software facility; the first and second software facilities automatically completing the transaction without any action required by either the first one or the second one of the plurality of business clients, and parameters defining the bounds in which the transaction takes place being determined by the first one of the plurality of business clients.

Applicants claim automatically determining, by the first software facility, that a transaction needs to be executed between the first software facility and the second software facility, said first software facility making said determination on behalf of the first one of the plurality of business clients. The determination is not made in response to a request from the first business client. *Clemens* does not teach this feature. Therefore, *Clemens* does not anticipate Applicants' claims.

*Clemens* teaches "In one configuration, the invention is directed to a computer processor implemented method of effecting a payment intended for a payee from a payor, whereby a payment request is received indicating that the payor has authorized payment to the payee." *Clemens*, paragraph 0008. *Clemens* teaches the payment manager receiving a payment request. See *Clemens*, Figure 3, step 52.

*Clemens* also describes requesting the payment manager 20 to make a payment in paragraph 0091 which is reproduced below:

[0091] Upon receiving a payment request, payment manager 20, through payment selection system 32, may configure payment accounts and instructions 144 by applying rules stored in customer database 44 to information received with the payment request, or may configure a payment transaction based on the instructions contained in the payment request. Initially, payment selection system 32 may attempt to configure the transaction and determine if it is invalid, non-standard, or a proper configuration. If the transaction is invalid, for example, if customer rules do not allow for a proper payment configuration, no available account can be identified, required information is not supplied, or another irregularity is identified in the payment request, payment selection system 32 may send a message 146 to the initiator indicating that the transaction is invalid. If the transaction is non-standard, for example, if payment configuration instructions are received within the payment request but do not conform to customer rules, payment selection system 32 may send a message 148 to customer service system 36, to cause additional processing to resolve payment configuration. In either event, payment selection system 32 may request reconfiguration of the payment instructs 149.

In contradistinction, Applicants claim the first software facility within the host making the determination that a transaction needs to be executed. A request is not received by the first software facility from the first business client. Because *Clemens* teaches the payment manager receiving a request to make a payment, *Clemens* does not anticipate Applicants' claims.

*Clemens* also teaches a payment manager 20 first receiving a payment authorization that causes it to execute a payment from a payor 4 to a payee 6. The authorization to make a payment can come directly from the payor 4, or indirectly through an agent of the payor, through an automated payment authorizer, through a marketplace, or by other means. See *Clemens*, paragraph 0045.

*Clemens* does not teach a facility within the payment manager making the determination to make a payment. The decision to authorize a payment does not come from the payment manager itself. The decision to make a payment, is made outside the payment manager. Once the decision to authorize a

payment is made, an authorization is given to the payment manager. Once the authorization is given to the payment manager, the payment manager then completes the payment. The decision to make a payment, and the authorization to make a payment, occur outside the payment manager.

*Clemens* depicts the authorization in Figure 2. The payment manager 20 receives an authorization 28. Authorization 28 comes from a source that is external to payment manager 20. Furthermore, *Clemens* does not describe where decision to authorize the payment is made.

Applicants' claims also describe automatically determining that a transaction needs to be executed. *Clemens* does not teach automatically determining that a transaction needs to be executed. In *Clemens*, a payment is made when a request is received.

Because *Clemens* does not teach automatically determining, by the first software facility, that a transaction needs to be executed between the first software facility and the second software facility, said first software facility making said determination on behalf of the first one of the plurality of business clients, *Clemens* does not anticipate Applicants' claims.

Applicants also claim said first software facility making decisions on behalf of the first one of the plurality of business clients to execute transactions with the second software facility. *Clemens* does not teach this feature. The payment manager does not make decisions on behalf of the payor to execute the transaction with the payee. Therefore, *Clemens* does not anticipate Applicants' claims.

*Clemens* does not teach the payment manager including a software facility for a business client that makes decisions on behalf of the business client to execute transaction.

*Clemens* does not teach the first and second software facilities automatically completing the transaction without any action required by either the first one or the second one of the plurality of business clients. In *Clemens*, a request is needed. Therefore, the transaction is not completed within any action required.

Therefore, the rejection of claims 1-5, 8-15, 18-25 and 28-30 under 35 U.S.C. § 102(e) as being anticipated by *Clemens* has been overcome.

### **III. 35 U.S.C. § 103, Obviousness**

The Examiner has rejected claims 6, 7, 16, 17, 26 and 27 under 35 U.S.C. § 103(a) as being unpatentable over *Alnwick, Method and System for Ordering Items Over the Internet*, U.S. Patent Application Publication No. 2002/0007318, published January 17, 2002. This rejection, as it might be applied to the claims as amended, is respectfully traversed.

In paragraph 9, the Examiner states that the claims are rejected as being unpatentable over *Alnwick*. In the body of the rejection, however, the Examiner refers to both *Alnwick* and *Clemens*.

Therefore, it appears that the Examiner has rejected the claims as being unpatentable over *Clemens* in view of *Alnwick*. Applicants' remarks will be directed to the combination of *Clemens* and *Alnwick*.

Applicants respectfully disagree that the combination of *Clemens* and *Alnwick* teaches or suggests Applicants' claims.

As discussed above, *Clemens* does not teach or suggest automatically determining, by the first software facility, that a transaction needs to be executed between the first software facility and the second software facility, the determination is being made in response to a request from the first one of the plurality of business clients; said first software facility making decisions on behalf of the first one of the plurality of business clients to execute transactions with the second software facility; the first and second software facilities automatically completing the transaction without any action required by either the first one or the second one of the plurality of business clients. The Examiner relies on *Alnwick* to cure the deficiencies of *Clemens*. *Alnwick* does not cure the deficiencies of *Clemens*, however, because *Alnwick* does not teach automatically determining, by the first software facility, that a transaction needs to be executed between the first software facility and the second software facility, the determination is being made in response to a request from the first one of the plurality of business clients; said first software facility making decisions on behalf of the first one of the plurality of business clients to execute transactions with the second software facility; the first and second software facilities automatically completing the transaction without any action required by either the first one or the second one of the plurality of business clients. The combination of *Clemens* and *Alnwick* does not teach the features of Applicants' claims. Therefore, the rejection of claims 6, 7, 16, 17, 26 and 27 under 35 U.S.C. § 103(a) has been overcome.

**IV. Conclusion**

It is respectfully urged that the subject application is patentable over *Clemens* and *Alnwick* and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: April 24, 2007

Respectfully submitted,

/Lisa L.B. Yociss/

Lisa L.B. Yociss  
Reg. No. 36,975  
Yee & Associates, P.C.  
P.O. Box 802333  
Dallas, TX 75380  
(972) 385-8777  
Attorney for Applicants